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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andrew Thomson

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7590

12/22/2006

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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/22/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/872,300	<b>Applicant(s)</b> THOMSON, ANDREW	
	<b>Examiner</b> Barbara N. Burgess	<b>Art Unit</b> 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 82-106 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 82-106 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to Amendment filed October 6, 2006. Claims 1-81 have been cancelled as requested by Applicant. New claims 82-106 are presented for initial examination.

#### ***Claim Objections***

1. Claim 92 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Until further clarification, Examiner understands this claim to be dependent upon claim 82.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 93, 97 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has used a contradictory statement "and/or". Examiner will use the "or" statement until further clarification.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 82-106 are rejected under 35 U.S.C. 102 (e) as being anticipated by Nagaoka et al. (hereinafter "Nag", US Patent Publication 2002/0180579 A1).

As per claim 82, Nag discloses a method, comprising:

- A first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional instrument, wherein the second device is not configured with the instrument driver, and wherein the traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet (paragraphs [0082, 0090-0091, 0093-0094]);

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- The second device receiving the request to access the traditional instrument (paragraphs [0111, 0171]);
- The second device receiving an instrument driver in response to said receiving request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument (paragraphs [0041, 0045]);
- The second device accessing the traditional instrument via the instrumentation bus in response to said request to access the traditional instrument (paragraphs [0093, 0094-0096, 0106]);
- The traditional instrument sending instrument data to the second device via the instrumentation bus in response to the second device accessing the traditional instrument (paragraph [0091]);
- The second device receiving the instrument data sent from the traditional instrument via the instrumentation bus (paragraphs [0093, 0094-0096, 0106]);
- The second device sending the instrument data to the first device via the network (paragraphs [0096, 0111, 0179]).

As per claim 83, Nag further discloses the method of claim 82, further comprising displaying on the first device a graphical user interface to the traditional instrument coupled to the second device, wherein the graphical user interface is operable by the user to remotely control functionality of the traditional instrument from the second device (paragraphs [0150, 0178-0179, 0182]).

As per claim 84, Nag discloses the method of claim 82, further comprising:

- the first device receiving the instrument data from the second device via the network (paragraph [0096]);
- displaying the received instrument data on the first device (paragraphs [0194-0195]).

As per claim 85, Nag discloses the method of claim 82, wherein the first device comprises a web browser, wherein the request to access the traditional instrument is generated in response to user input on the web browser (paragraph [0153]).

As per claim 86, Nag discloses the method of claim 85, wherein the user input that generates the request to access the traditional instrument is received by the web browser in a web page provided by the second device (paragraph [0111]).

As per claim 87, Nag discloses the method of claim 86, wherein the web page provides a graphical user interface to the traditional instrument coupled to the second device (paragraph [0086]).

As per claim 88, Nag disclose the method of claim 82, wherein the second device comprises an instrument server, and wherein the second device accessing the traditional instrument comprises:

- The instrument server accessing an instrument driver for the traditional instrument (paragraph [0254]);

- The instrument driver accessing the traditional instrument via the instrumentation bus in response to the instrument server accessing the instrument driver (paragraph [0257]).

As per claim 89, Nag discloses the method of claim 82, further comprising, prior to the first device sending the request to access the traditional instrument:

- the instrument server providing instrument information about one or more traditional instruments coupled to the second device to the first device through the network, wherein the one or more traditional instruments include the traditional instrument (paragraph [0038]);
- displaying the instrument information about the one or more traditional instruments on the first device (paragraph [0086]).

As per claim 90, Nag discloses the method of claim 82, wherein a plurality of traditional instruments including the traditional instrument are coupled to the second device via the instrumentation bus, and wherein the first device is operable to send requests to access each of the plurality of traditional instruments to the second device (paragraphs [0090-0092, 0095-0096]).

As per claim 91, Nag discloses the method of claim 82, further comprising the second device:

- detecting one or more traditional instruments coupled to the instrumentation bus including the traditional instrument (paragraphs [0093-0094]);

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- receiving instrument information from each of the detected one or more traditional instruments (paragraph [0171]);
- providing the instrument information from the one or more detected traditional instruments to the first device (paragraph [0130]);
- wherein the one or more traditional instruments are user-selectable from the first device using the instrument information (paragraphs [0122, 0131]).

As per claim 92, Nag discloses the method of claim 82, wherein the instrumentation bus is one of a GPIB instrumentation bus, a PCI instrumentation bus, a PXI instrumentation bus, and a serial instrumentation bus (paragraph [0093]).

As per claim 93, Nag discloses a device comprising:

- A first port operable to couple to a network (paragraph [0082]);
- A second port operable to couple to an instrumentation bus, wherein the instrumentation bus is not the Internet (paragraph [0093]);
- A processor (paragraph [0086]);

Memory coupled to the processor and operable to store program instructions, wherein the program instructions are executable by the processor to:

- Detect a first traditional instrument coupled to the instrumentation bus, wherein a first instrument driver is required by the device to communicate with the traditional instrument, wherein the device is not configured with the first instrument driver (paragraphs [0041, 0093-0094]);



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- Receive, from the network, the first instrument driver which is associated with the first traditional instrument in response to the detection of the first traditional instrument, wherein the first instrument driver comprises program instructions which are executable by the processor to communicate and/or control the first traditional instrument (paragraph [0041, 0082, 0090-0091, 0093-0094]);
- Store the first instrument driver in the memory (paragraph [0045]).

As per claim 94, Nag discloses the device of claim 93, wherein the program instructions are further executable by the processor to:

- Receive from a second device coupled to the network, a request to access the first traditional instrument (paragraph [0111]);

Wherein the first instrument driver comprises program instruction which are executable by the processor to:

- Access the first traditional instrument through the instrumentation bus (paragraph [0099])
- Receive data sent from the first traditional instrument (paragraph [0105]).

As per claim 95, Nag discloses the device of claim 94, wherein the program instructions are further executable by the processor to:

Transmit the data to network (paragraph [0087]).

As per claim 96, Nag discloses the device of claim 95, wherein, in said transmitting the data to the network, the program instructions are further executable by the

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processor to transmit a web page to the network, wherein the web page comprises the data (paragraphs [0114, 0179]).

As per claim 97, Nag discloses the device of claim 93, wherein the program instructions are further executable by the processor to:

- Detect a second traditional instrument coupled to the instrumentation bus (paragraph [0092, 0093]).
- Receive, from the network, a second instrument driver which is associated with the second traditional instrument in response to the detection of the second instrument, wherein the second instrument driver comprises program instructions which are executable by the processor to communicate and/or control the second traditional instrument (paragraph [0045]);
- Store the second instrument driver in the memory (paragraph [0041]).

As per claim 98, Nag discloses the device of claim 97, wherein the program instruction are further executable by the processor to:

- Receive, from a second device coupled to the network, a request to access the second traditional instrument (paragraph [0095]).

Wherein the second instrument driver comprises program instructions which are executable by the processor to:

- Access the second traditional instrument through the instrumentation bus (paragraph [0093]);
- Receive data from the second traditional instrument (paragraph [0171]).

As per claim 99, Nag discloses the device of claim 98, wherein the program instructions are further executable by the processor to:

- Transmit the data to the network (paragraph [0094]).

As per claim 100, Nag discloses the device of claim 99, wherein, in said transmitting the data to the network, the program instructions are further executable by the processor to transmit a web page to the network, wherein the web page comprises the data (paragraph [0114]).

As per claim 101, Nag discloses a method for using a traditional instrument with a network, comprising:

- A first device detecting the traditional instrument, wherein the first device is coupled to the traditional instrument, wherein the first device is not coupled to the traditional instrument via the Internet, wherein the instrument driver is required by the first device to communicate with the traditional instrument, wherein the first device is not configured with the instrument driver, and wherein the first device is coupled to the network (paragraphs [0082, 0090-0091, 0093-0094]);
- Automatically receiving, from the network, the instrument driver which is associated with the traditional instrument, wherein the instrument driver comprises program instructions which are executable by the first device to communicate with the traditional instrument (paragraph [0132]);

- After said receiving, communicating with the traditional instrument, wherein said communicating comprises using the instrument driver (paragraph [0045]).

As per claim 102, Nag discloses the method of claim 101, wherein said automatically receiving comprises downloading the instrument driver from a second device coupled to the network (paragraph [0045]).

As per claim 103, Nag discloses the method of claim 101, further comprising:

- Receiving from the network a request for information associated with the instrument (paragraph [0111]);
- Wherein said communicating with the traditional instrument is performed in response to said receiving from the network the request (paragraphs [0116-0117]);

The method further comprising:

- Transmitting a response to the network (paragraph [0130]).

As per claim 104, Nag discloses the method of claim 103, wherein the request comprises a request for measurement (paragraph [0222]).

As per claim 105, Nag discloses a computer-accessible memory medium comprising program instructions, wherein the program instructions are executable by a processor to implement:

- Scanning an instrumentation bus coupled to a first device to detect instruments coupled to the instrumentation bus (paragraph [0090]);

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- Detecting a first traditional instrument coupled to the instrumentation bus, wherein an instrument driver is required by the first device to communicate with the first traditional instrument, wherein the first device is not configured with the instrument driver, wherein the first traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet (paragraphs [0082, 0090-0091, 0093-0094]);
- Receiving instrument information from the detected first traditional instrument in response to said detecting the first traditional instrument (paragraphs [0093, 0094-0096, 0106]);
- Transmitting to a network a request for the instrument driver which corresponds to the instrument information, wherein the instrument driver is usable to communicate with the first traditional instrument (paragraph [0039]);
- Receiving the instrument driver from the network (paragraph [0041]);
- Providing the instrument information of the first traditional instrument on a second device (paragraphs [0093, 0094-0096, 0106]);
- Displaying the instrument information of the first traditional instrument on the second device (paragraph [150]);
- Wherein the first traditional instrument coupled to the first device via the instrumentation bus is remotely accessible from the second device to initiate monitor and control functions of the traditional instrument (paragraph [0094-0096]).

As per claim 106, Nag discloses the computer-accessible memory medium of claim 105, wherein the program instructions are further computer-executable to implement:

- receiving user input on the second device, wherein the user input specifies the first traditional instrument (paragraphs [0160, 0169-0171]);
- sending a request to access the first traditional instrument from the second device to the first device through the network in response to the user input (paragraph [0195]).

### ***Response to Arguments***

#### **The Office notes the following arguments:**

- (a) The Office Action does not indicate or explain which devices/systems in Nagaoka correspond to the first device, second device, and/or traditional instrument. Applicants request further clarification.
  - (b) Applicants submit that household appliances does not teach or suggest traditional instruments coupled to the second device via instrumentation bus.
  - (c) Applicants submit that Nagaoka nowhere discloses the home bus as an instrumentation bus which connects traditional instruments.
  - (d) Nagoaka fails to disclose the second device receiving the instrument driver.
6. Applicant's arguments filed have been fully considered but they are not persuasive.

#### **In response to:**

- (a) Although the reference is exceptionally explicit in its interpretation of the claimed invention, Examiner takes this opportunity to further explain as requested by Applicant. Nagaoka offers several embodiments in which one of ordinary skill in the art could use

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to read upon the claimed invention. The first device, according to the claimed invention, is coupled to a network and sends requests to a second device to access a traditional instrument. According to Nagaoka, the first device is interpreted as the terminal device. It is used by the user to request information on home-located electronic devices (paragraphs [0019, 0084, 0111, 0117]). The second device, according to the claimed invention, is coupled to the traditional instrument via an instrumentation bus, is not configured with the instrument driver to communicate with the traditional instrument, and receives requests to access the traditional instrument. According to Nagaoka, the second device is the home server (also called simple server or server). The home server receives requests and control instructions from the terminal device to access the traditional instrument (paragraphs [0095, 0111, 0171]). The home server comprises a bus interface unit connected to the home bus to which it connects to the home-located electronic devices and security system (paragraphs [0099, 0106]). The traditional instrument, according to the claimed invention, is coupled to the second device, does not include inherent Internet capabilities, and requires an instrument driver to communicate with it. According to Nagaoka, the traditional instrument is the home-located electronic devices and security system which includes a plurality of devices (paragraphs [0021, 0090-0091]). These devices, microwave, rice cooker, refrigerator, lighting fixtures, air conditioner, gas leakage detection device, water heater, have no inherent Internet capabilities. The devices are connected to the second device (home server) as stated above. Also, driver software is used for controlling the devices (paragraphs [0045, 0100, 0132, 0194]).

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(b) According to Applicant's specification, an instrument is a device which collects data or information from an environment or unit under test and displays this information to the user. Types of information that might be collected by an instrument include voltage, distance, pressure, humidity, temperature, image data, video data, audio data, among others. Each instrument typically include a physical front panel with its own particular combination of indicators, knobs, or switches (pages 2, lines 1-15, 8, lines 6-19). Therefore, the devices and security system of Nagaoka qualifies as traditional instruments. Applicant's specification further discloses that instruments may be coupled to a server device via an instrumentation bus (page 8, lines 22-23). According to Nagaoka, the devices are coupled to the home server (second device) via the home bus.

Therefore, Nagaoka, undoubtedly, teaches traditional instruments coupled to the second device via instrumentation bus.

(c) According to Applicant's specification, examples of instrumentation buses include the General Purpose Interface Bus or IEEE 488 or 488.2 buses, the VXI bus, the PCI bus, or a serial bus such as RS-232, USB or IEEE 1394 (pages 8, lines 23-26, 15, lines 15-19). Nagaoka discloses a bus interface unit connected to the home bus in which the devices (traditional instruments) and home server are connected (paragraphs 0099, 0106]). Therefore, Nagaoka, indeed, discloses home bus as an instrumentation bus which connects traditional instruments.

(d) Nagaoka teaches the home server (second device) receiving the driver software from the management facility in order to control the home-located electronic devices



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(paragraphs [0041, 0132, 0194]). Therefore, Nagaoka explicitly teaches the second device receiving the instrument driver.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

December 19, 2006

  
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